

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

.....X
VIRGINIA MILANES, *et al.*,

Plaintiffs,

v.

MICHAEL CHERTOFF, *et al.*,

Defendants.
.....X

ECF Case

08 Civ. 2354 (LMM) (KNF)

SUPPLEMENTAL DECLARATION OF DAVID J. KEEVIS

I, David J. Keevis, declare pursuant to the provisions of 28 U.S.C. § 1746 as follows:

1. As described in my June 19, 2008 declaration (the “June 19 declaration”) in this lawsuit, I am employed by CIBER, Inc., a subcontractor of Computer Sciences Corporation, which in turn is a contractor with the U.S. Citizenship and Immigration Service (“USCIS”), and I am the Chief Engineer for the CLAIMS 4 database, USCIS’s principal work-flow database for naturalization applications.

2. I submit this declaration to place certain updated and additional data before the Court, and to make certain corrections to the data contained in my June 19, 2008 declaration.

Supplemental Data Regarding the Named Plaintiffs

3. Based on my review of the CLAIMS 4 database, I have determined the following supplemental information concerning the status of the naturalization applications of certain of the named plaintiffs:

4. Plaintiff Nancy Castro, A37-640-255, took the oath of citizenship on July 3, 2008.

5. Plaintiff Virginia Milanes, A79-721-201, is scheduled for a naturalization examination to be held on August 26, 2008.

6. Plaintiff Margoth Perez De Chalampa, A55-596-849, took the oath of citizenship on July 9, 2008.

Corrected Data Regarding New York District Naturalization Applications

7. In my June 19 declaration, I presented certain data derived from CLAIMS 4 and two other USCIS databases, the Reengineered Naturalization Case System ("RNACS"), and the Central Index System ("CIS"). Upon further analysis, I have determined that the data contained in paragraphs 10 through 13 of my original declaration were inaccurate by small amounts. For example, paragraph 10 of my original declaration stated that the number of naturalization applications pending in the New York District for 180 days or more without a determination by a naturalization examiner, as of April 3, 2008, was 55,458. Further analysis has shown that the correct number is in fact 55,405. This correction results from the identification of additional relevant fields of data in CLAIMS 4. I apologize for any inconvenience the inaccuracies in the original data may have caused. In the following four paragraphs, I restate, correct and supplement paragraphs 10-13 contained in my original declaration:

8. As of April 3, 2008, there were 63,912 naturalization applications in the New York District that had been pending for 180 days or more. Of these, 8,507 applications had been approved by a naturalization examiner, and these naturalization applicants were awaiting an oath ceremony. Accordingly, 55,405 had not yet received a determination by a USCIS naturalization examiner.

9. As of April 3, 2008, of the 63,912 cases referred to in the prior paragraph, 2,231 were cases in which an individual with a pending naturalization application had been interviewed by a naturalization examiner 120 or more days earlier and the applicant resided in New York County, Bronx County, Westchester County, Rockland County, Putnam County, Orange County, Dutchess County, or Sullivan County. Of these, 12 applications had been approved by a naturalization examiner, and these naturalization applicants were awaiting an oath ceremony. Accordingly, 2,219 had not yet received a determination by a naturalization examiner.

10. As of June 17, 2008, of the 63,912 cases that had been pending 180 days or more as of April 3, 2008, a total of 44,290 remained pending. Of the 63,912 cases, 19,622 cases had been resolved: 16,993 applicants received an oath ceremony, 2,302 applicants had been either denied naturalization or the applicant had withdrawn the application, and 327 applications had been administratively closed. Of the 44,290 pending cases, 9,380 applicants had been approved and were awaiting an oath ceremony, and 34,910 had not yet received a determination by a USCIS naturalization examiner. In other words, as of June 17, 2008, USCIS had made a determination with respect to 20,495 applications of the 55,405 applications that had been pending without a determination for 180 days or more as of April 3, 2008.

11. As of June 17, 2008, of the 2,231 individuals referred to in paragraph 9 above, 2,088 continued to have cases pending. Of these 2,231 cases, 143 cases had been resolved: 72 applicants received an oath ceremony, 70 applicants had been either denied naturalization or the applicant had withdrawn the application, and 1 application had been administrative

closed. Of the 2,088 pending applications, 98 applications had been approved and were awaiting oath ceremonies and 1,990 had not yet received a determination by a USCIS naturalization examiner. In other words, as of June 17, 2008, USCIS had made a determination with respect to 229 applications that, as of April 3, 2008, had been pending 120 or more days subsequent to a naturalization interview without a determination, for applicants in New York County, Bronx County, Westchester County, Rockland County, Putnam County, Orange County, Dutchess County, or Sullivan County.

Supplemental Data Regarding New York District Naturalization Applications

12. I have also obtained, from the same data sources, the following supplemental data relevant to this action:

13. As of April 3, 2008, of the 55,405 pending applications referred to in paragraph 8, above, 7,323 were pending final responses from the FBI name check.

14. As of April 3, 2008, of the 2,219 pending applications referred to in paragraph 9, above, 292 were pending final responses from the FBI name check.

15. As of June 17, 2008, of the 34,910 pending applications referred to in paragraph 10, above, 3,863 were pending final responses from the FBI name check.

16. As of June 17, 2008, of the 1,990 pending applications referred to in paragraph 11, above, 38 were pending final responses from the FBI name check.

17. As of July 14, 2008, of the 63,912 cases that had been pending 180 days or more as of April 3, 2008, a total of 38,005 remained pending. Of the 63,912 cases, 25,907 cases had been resolved: 22,506 applicants received an oath ceremony, 3,006 applicants had been either denied naturalization or the applicant had withdrawn the application, and 395

applications had been administratively closed. Of these 38,005 pending cases, 8,210 applicants had been approved and were awaiting an oath ceremony, and 29,795 had not yet received a determination by a USCIS naturalization examiner. In other words, as of July 14, 2008, USCIS had made a determination with respect to 25,610 applications of the 55,405 applications that had been pending without a determination for 180 days or more as of April 3, 2008.

18. Of the 29,795 pending applications referred to in paragraph 17, above, 3,227 were pending final responses from the FBI name check as of July 14, 2008.

19. As of July 14, 2008, of the 2,231 individuals referred to in paragraph 9 above, 1,992 continued to have cases pending. Of these 2,231 cases, 239 cases had been resolved: 146 applicants received an oath ceremony, 92 applicants had been either denied naturalization or the applicant had withdrawn the application, and 1 application had been administrative closed. Of the 1,992 pending applications, 103 applications had been approved and were awaiting oath ceremonies, and 1,889 had not yet received a determination by a USCIS naturalization examiner. In other words, as of June 17, 2008, USCIS had made a determination with respect to 330 applications that, as of April 3, 2008, had been pending 120 or more days subsequent to a naturalization interview without a determination, for applicants in New York County, Bronx County, Westchester County, Rockland County, Putnam County, Orange County, Dutchess County, or Sullivan County.

20. Of the 1,889 pending applications referred to in paragraph 19, above, 36 were pending final responses from the FBI name check as of April 3, 2008.

21. For the convenience of the Court, attached as Exhibit A is a chart containing some of the data referred to herein.

Methodology

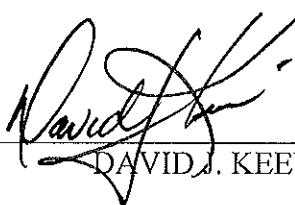
22. The data contained in paragraphs 7 through 21 of this declaration was extracted on July 17, 2008, from a production instance of the CLAIMS 4 Oracle database, using Standard Oracle Procedural Language/Structured Query Language to develop the queries to conduct the extract operations, with additional data being extracted from RNACS and CIS. Defined data sets were extracted to flat text files and subsequently imported into Microsoft Access. All data values in the this Microsoft Access database are identical to those in the production instance of the CLAIMS 4 database as of the extract date, except that in one instance multiple fields of data in CLAIMS 4 were consolidated into a single field in the Microsoft Access database.

23. In determining whether a case in the New York District had been pending 180 days as of April 3, 2008, I applied the parameters listed in paragraph 15 of my original declaration.

24. In some cases, the set of pending applications includes multiple filings by the same applicant. If an applicant filed multiple naturalization applications and adjudication of one of the filings resulted in the naturalization of the applicant, the remaining application(s) may continue to be listed as pending until resolved.

I declare under penalty of perjury that the foregoing is true and correct.

Dated: July 17, 2008
Washington, DC



DAVID J. KEEVIS

Exhibit A
Declaration of David J. Keevis, July 17, 2008

| | Applications | Applications with Pending FBI Name Checks |
|--|---------------------|--|
| Applications in (1) NY District Office and (2) Pending \geq 180 Days Without Determination as of April 3, 2008 | 55,405 | 7,323 |
| Subset Remaining as of June 17, 2008 | 34,910 | 3,863 |
| Subset Remaining as of July 14, 2008 | 29,975 | 3,227 |
| | | |
| Applications (1) in SDNY Counties, (2) Pending \geq 180 Days Without Determination, and (3) for Which Interview Occurred \geq 120 Earlier as of April 3, 2008 | 2,219 | 292 |
| Subset Remaining as of June 17, 2008 | 1,990 | 38 |
| Subset Remaining as of July 14, 2008 | 1,889 | 36 |